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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,046	10/01/2003	Michael D. Facemire	RSW920030071US1 (7161-98U)	7708
46320 7590 11/21/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
POLLACK, MELVIN H				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
11/21/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/677,046

**Applicant(s)**

FACEMIRE ET AL.

**Examiner**

Melvin H. Pollack

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-850)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Individual Patent Application  
6) ☒ Other: see attached office action  
Paper No(s)/Mail Date \_\_\_\_\_

#### **DETAILED ACTION**

1. Applicant's arguments, see Pp. 4-5, filed 12 September 2007, with respect to the rejection(s) of claim(s) 2, 4-5, 7, 10, 12-13, and 15 under the 103 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the repair of the examiner's mistake.
2. The applicant alleges that the Examiner has not asserted a rationale to combine references. Upon review, the examiner has determined this to be correct. The new action, which is non-final, will correct this problem by adding the necessary rationale.
3. Applicant's arguments filed 12 September 2007, regarding claims 1, 3, 6, 8-9, 11, 14, and 16-17 under the 102 rejection (Pp. 2-3), have been fully considered but they are not persuasive. An analysis of this portion is provided below.
4. Applicant is correct that Examiner must explain his reasoning in regards to the applied references. However, it is not the duty of the examiner to map the claim limitations to the prior art. Instead, it is up to the applicant to at least make a good faith attempt to view the art as a whole, including portions not cited by the examiner. See MPEP 706 and 707. See also MPEP 2123 and 2183.
5. Applicant makes particular focus on the length of quoted sections. The length of cited areas are not dispositive, particularly in cases where they cover a discrete teaching within the art, and wherein their length is derived primarily from tables. Columns 1-20 are cited primarily as an overview of Ben-Shaul. General Organization and Data Flow (col. 20, line 65 – col. 35, line

10) is concerned with the organization and flow of served content. General Specifications and Operating Conditions (col. 37, line 30 – col. 40, line 55) is concerned with responding to online changes, and includes sections on Site View Functionality and URL Swapping, and Example Applications of URL cited (latter not cited). The final categories, Resource Transformation and HTTP and Protocol Redirection (col. 41, line 10 – col. 42, line 5) complete the development of hyperlink maps and behavioral changes. Each section is clearly labeled, such that a reviewer may easily determine the information in each section.

6. For the purposes of clarity and advancing prosecution, however, and in light of the need to modify the 103 rejection, the examiner will add further arguments to the 102 rejection, with focus on claims 1 and 3, such that the applicant may better understand the reasoning of the examiner.

7. Applicant argues that examiner does not expressly disclose endpoint directives, or annotating said served content with endpoint directives (P. 3). The examiner has interpreted endpoint directives as added commands inserted into the hyperlink, such that the behavior is modified. The usage of particular language is not required, as the examiner may apply similar functionality with different labeling. If the applicant has a different definition of the phrase, he may raise it in remarks of this application.

8. This rejection is non-final.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, 6, 8, 9, 11, 14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Shaul et al. (6,976,090).

11. Ben-Shaul teaches a method and system (abstract) of providing content with annotated hyperlinks (col. 1, line 1 – col. 20, line 65 and col. 66, lines 15-20) such that a hyperlink map is built to facilitate the deactivation and reactivation of hyperlinks, or to change the hyperlink to point to a different server (col. 20, line 65 – col. 35, line 10; col. 41, line 10 – col. 42, line 5) and wherein online changes are reconciled ((col. 37, line 30 – col. 40, line 55).

12. For claim 1, Ben-Shaul teaches a method (abstract) for processing off-line interactive content (col. 1, line 1 – col. 20, line 65; col. 66, lines 15-20) in a dynamic system with variable addressability (Figs. 1-2), the method comprising the steps of:

- a. Serving content for caching (col. 22, lines 15-50) in a client device (Fig. 3, #30; regional edge server);
- b. Generating a pathway navigation map (PNM) for said served content ; and,
- c. Annotating said served content with endpoint directives (CDML; col. 23, line 50 – col. 24, line 50; col. 33, lines 60-65) for modifying hyperlink behavior referenced by said directives in said cached content (col. 21, lines 5-35).

13. For claim 3, Ben-Shaul teaches wherein said annotating step comprises the step of annotating said content with at least one endpoint directive (CDML; col. 23, line 50 – col. 24, line 50; col. 33, lines 60-65) selected from the group consisting of take no action, remove all hyperlinks referenced by said directive, deactivate all hyperlinks referenced by said directive, point all hyperlinks referenced by said directive to a currently loaded page; and point all hyperlinks referenced by said directive to a parent page (col. 41, line 10 – col. 42, line 5).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 4, 5, 7, 10, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shaul as applied to claims 1, 3, 6, 9, 11, and 14 above, and further in view of Maslov (6,842,755).

16. Ben-Shaul does not expressly disclose how to best develop the hyperlink map. Maslov teaches a method and system (abstract) of developing document trees based on page hierarchies (col. 1, line 1 – col. 8, line 5; col. 10, lines 10-35), wherein modifications based on depth and reconciliation of ambiguities are performed (col. 8, line 5 – col. 10, line 10).

17. At the time the invention was made, one of ordinary skill in the art would have added Maslov's document trees to Ben-Shaul in order to fulfill the goal of a linked document retrieval

system (Ben-Shaul, col. 5, lines 1-40) wherein documents may be retrieved even as the location of documents shifts (Maslov, col. 3, lines 25-40).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melvin H Pollack/  
Examiner, Art Unit 2145

Melvin H Pollack  
Examiner  
Art Unit 2145

/M. H. P./  
16 November 2007